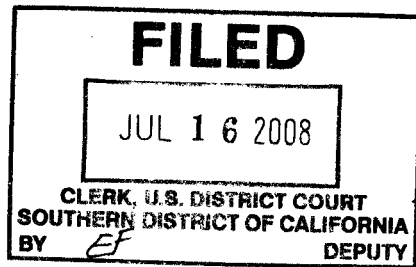


*Handwritten initials: RUSK KAD*



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Apolinar ROA-Lopez

Defendant.

Mag. Case No.

**'08 MJ 8648**

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Deported Alien Found In the  
United States

The undersigned complainant being duly sworn states:

On or about July 14, 2008, within the Southern District of California, defendant Apolinar ROA-Lopez, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*Signature of Senior Border Patrol Agent*  
\_\_\_\_\_  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15<sup>th</sup> DAY OF JULY 2008.

*Signature of Peter C. Lewis*  
\_\_\_\_\_  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA  
2 v.  
3 Apolinar ROA-Lopez

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the  
6 statements of the apprehending Border Patrol Agent (BPA), Scott  
7 Milowski, that the Defendant was found and arrested on July 14,  
8 2008, west of Calexico, California.

9 BPA Milowski was performing his assigned Border Patrol  
10 duties approximately one mile west of Calexico, California. BPA  
11 Milowski encountered four individuals, one later identified as  
12 Apolinar ROA-Lopez. BPA Milowski identified himself as a Border  
13 Patrol Agent and questioned ROA and the other individuals as to  
14 their immigration status to be in the United States. BPA  
15 Milowski determined through questioning, that ROA was a citizen  
16 and national of Mexico with no immigration documents that would  
17 allow him to enter into or remain in the United States legally.  
18 ROA and the other four individuals were placed under arrest.

19 Record checks revealed that ordered ROA was deported to  
20 Mexico from the United States on January 10, 2007. Record checks  
21 also revealed ROA has a criminal record.

22 There is no evidence ROA has sought or received permission  
23 from the Attorney General or the Secretary of the Department of  
24 Homeland Security to re-enter the United States.  
25  
26  
27  
28